

FILED

UNITED STATES DISTRICT COURT

for the

Western District of New York



MAR 25 2008

United States of America

v.

CARLOS FIGUEROA

Date of Previous Judgment: February 3, 2004

(Use Date of Last Amended Judgment if Applicable)

)

)

) Case No: 03-CR-6049

) USM No: _____

) Elizabeth Switzer, Esq.

) Defendant's Attorney

CLERK, US DISTRICT COURT, WDNY

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☐ the defendant ☐ the Director of the Bureau of Prisons x the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 70 months **is reduced to** 57 months.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)Previous Offense Level: 27Amended Offense Level: 25Criminal History Category: ICriminal History Category: IPrevious Guideline Range: 70 to 87 monthsAmended Guideline Range: 57 to 71 months**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**☒ The reduced sentence is within the amended guideline range.

☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☒ Other (explain): Based on a sentencing guideline range of 70 to 87 months, the Court previously sentenced the defendant to 70 months. With an amended sentencing guideline range of 57 to 71 months, the Court sentences the defendant to 57 months.

III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated Feb. 3, 2004 shall remain in effect.

IT IS SO ORDERED.Order Date: March 24, 2008

Charles J. Siragusa
Judge's signature

Effective Date: March 24, 2008
(if different from order date)

CHARLES J. SIRAGUSA, U.S. DISTRICT JUDGE
Printed name and title